

# Establishing Parentage



## What Parents Need to Know

Establishing parentage is valuable to parents and their children.



## What are the two ways to establish parentage?

### **Voluntary Acknowledgment of Parentage**

Unmarried parents, or parents who conceived using assisted reproduction, have the option of signing a form called the Voluntary Acknowledgment of Parentage (AOP) (available from local hospitals, local county child support offices, and local birth registrars) as a way to establish parentage. This is a no-cost, simple, and convenient method for establishing parentage, but not everyone is eligible to use it. **Be sure to read the AOP form carefully because, once signed by both parents and witnessed, it has the same legal force and effect as a court order.**

The following are examples of when couples should **not** sign the AOP:

- The birth parent of a child conceived naturally was married when the child was born;
- The birth parent is unmarried and more than one person could be the other parent;
- A court has entered a judgment or order determining parentage for the child;
- A valid Acknowledgment of Paternity/Parentage is on file for the child;
- The child is the subject of a surrogacy agreement;
- There is uncertainty on whether conception of the child was natural or assisted;
- The child has not been born; or
- There are already two parents on the child's birth certificate.

If you have questions, ask your medical provider, child support worker, local birth registrar, or attorney, or visit the New York State Child Support website at [childsupport.ny.gov](http://childsupport.ny.gov). You may also e-mail questions to [otda.sm.dcse.parentage@otda.ny.gov](mailto:otda.sm.dcse.parentage@otda.ny.gov).

## Establishing Parentage

If a child is born to parents who are married to each other at the time of the child's birth, the parents are considered the legal parents of the child regardless of whether the child was conceived naturally or through assisted reproduction.

If a child is born to parents who are not married at the time of birth, the law does not automatically recognize either a genetic or an intended parent as the child's legal parent, and does not give the parent any rights to, or responsibilities for, the child. However, if the birth parent is unmarried, an intended parent is a legal parent for all purposes if there is a consent in a record that indicates a mutual agreement of the intended parents to conceive and parent a child together. As a genetic or intended parent you can take steps to become a legal parent, which is what establishing parentage is all about.

## Why is establishing parentage important?

The child and each parent benefits from establishing parentage.

### **For the child:**

- A legal record of the identity of both parents.
- Access to information on family medical history.
- Emotional benefits of knowing both parents.
- Financial support from both parents, including child support, Social Security benefits, veterans benefits, military allowances, and inheritance.
- Access to health or life insurance from either parent, if available.

### **For the parents:**

- Help in sharing parental responsibilities.
- Improved financial security for the household.
- Legal establishment of parental rights and names on the child's birth certificate.
- Right to seek court-ordered custody or visitation.
- Right to be informed of, and to have a say in, adoption proceedings.
- Protection of rights if one parent becomes unable to care for the child.



### ***Filing a Petition with the Court***

If you choose or need to establish parentage through a family court proceeding, the court may order DNA testing to determine the other parent of the child. This test involves the birth parent, child, and alleged parent going to a designated site where a lab technician will rub a cotton swab on the inside of each person's cheek. The lab results are sent to the court. DNA testing is the most accurate way to determine the genetic or biological parent of a child.

## **Vacating an Acknowledgment of Parentage**

Generally, either parent may petition to vacate the AOP within 60 days of signing. Minor parents may petition to vacate the AOP within 60 days after that parent's 18th birthday or within 60 days after an answer to a petition is required in a proceeding relating to the child, whichever is earlier. After these time limits, a parent may only challenge the Acknowledgment of Parentage in court based on fraud, duress, or mistake of material fact.

## **Immigrant Parents**

Parents do not have to provide information about their residency, immigration status, or citizenship in order to establish parentage.

The Child Support Program does not share parentage and child support information with federal immigration authorities. The Acknowledgment of Parentage form asks for Social Security numbers for both parents, but the form can be completed even if one or both parents do not have a Social Security number.



**Every child needs emotional and financial support from both parents – even if they currently live apart or were never married.**

**[childsupport.ny.gov](https://childsupport.ny.gov)**

**888-208-4485 (TTY 866-875-9975)**



**Office of Temporary  
and Disability Assistance**

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